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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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Vol. 13

April 23, 1996

No. 15

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### WEEK IN REVIEW

#### HOUSE

##### conference committee appointed

Concerning the sale of nonowner-occupied real estate for delinquent taxes, S. 699 increases the interest rate from eight to twelve per cent during the final six months of the redemption period. Representatives Bobby Harrell, Woody McKay, and Juanita White were appointed to the conference committee on this bill. Originally H. 3901 was the House version of the same bill. However, Senators amended the proposed legislation to address local government tax caps and the elimination of taxes on vehicles. Representatives Jim Harrison, Hunter Limbaugh, and Doug Smith were appointed to the conference committee on that bill.

##### concurrence in Senate amendments, to be ratified

H. 3517, concerning court assessments and collection of fines in criminal cases, provides that the revenue be deposited in the State General Fund. H. 3557 provides that a civic organization which is exempt from paying federal income taxes does not have to register in South Carolina with the Secretary of State under the Solicitation of Charitable Funds Act. In addition, the bill allows an organization to collect up to \$20,000, rather than the current \$5,000, without having to register. State and local governments do not have to register either. The measure also revises the due date for fiscal reports filed by organizations which are not exempted. Currently the report is due two and one-half months after the close of that organization's fiscal year. The bill provides that the report is due four and one-half months later. H. 3985 revises public hearing and notification requirements concerning insurance rate increases. The bill provides that insurers which earn less than \$2 million dollars annually in South Carolina, rather than the current \$500,000, do not have to comply with public notice and hearing requirements for rate increases. The measure also revises information to be included in a public notice when needed, and requires that a copy of the notice must be sent to the Consumer Advocate. H. 4666 provides that the South Carolina Research Authority may be known as the "SCRA." The bill also authorizes the SCRA to form both non-profit and for-profit corporations, and provides for independent auditing of any for-profit corporations which are formed.

##### nonconcurrence in Senate amendments, to conference committee

S. 1101 requires that members of voter registration boards, and election and registration commissions complete training and pass an examination by the State Election Commission within eighteen months after election. The bill also changes appointment procedures for poll managers and clerks.



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### received third reading, to be ratified

S. 68 grants immunity from liability for a technical expert providing advice and assistance to a local government during a hazardous materials emergency. S. 922, concerning Foster Care Review, provides that the annual report be made to the Governor rather than the General Assembly. It also deletes the twenty-one day period for an agency to notify the local review board when disagreeing with the board's recommendation that a child be placed in permanent care. S. 1016, concerning trespassing, deletes the requirement that a warning be given within the preceding six months before an arrest may be made. S. 1079 provides for binding arbitration as an alternative dispute resolution for state employee grievances. The measure also specifies which grievances may be mediated, and requires an employee to initiate a grievance within fourteen days of the effective date of the action, rather than the current twenty-one days. This bill is similar to H. 4520 which is in the Senate Finance Committee. S. 1328 approves a State Crop Pest Commission regulation designating certain organisms as plant pests.

### received third reading, amended, returned to the Senate for concurrence

S. 1084 codifies and condenses provisions concerning sale of beer, wine, and alcoholic beverages into a single chapter. The House amendment provides that fines will be deposited in the State General Fund and spent on public education. S. 1102, concerning absentee ballots, authorizes handicapped and illiterate voters to make their marks on ballots. Originally the bill provided that the absence of the witness' address on the envelope was not grounds for challenging the ballot. However, the House deleted that provision.

### received third reading, sent to the Senate

H. 3913 exempts Homeowners' Associations from regulations for swimming pool construction and operation permits. H. 3987 revises fees for farm truck licenses, reflecting the gross weight of the vehicle rather than the maximum empty weight. H. 4277 conforms state laws prohibiting employment discrimination with the Federal Americans with Disabilities Act. H. 4396 requiring that insurance policies and health maintenance organizations (HMO's) pay hospitalization costs of a mother and newborn for at least forty-eight hours after a vaginal delivery and ninety-six hours after a caesarian section. H. 4430 enacts the School Crime Report Act. The bill provides that all school-related crime be reported to the Attorney General's Office. The measure also authorizes the expulsion of students convicted of violent crimes, and provides that the Attorney General may represent local school districts in appeals court. H. 4434 provides permanent revocation of a person's driver's license after a third driving under the influence (DUI) offense. To apply for a one-time only reinstatement, a person must have had no traffic violations during the preceding five years. Also, he must have completed a drug assessment and treatment program, and have paid the fifty dollar (\$50) reinstatement fee. However, anyone convicted of felony DUI would not be eligible for reinstatement. H. 4557 enacts better control over Bingo operations in the state, while providing that Bingo winnings would not be subject to state withholding taxes. Promoters are limited to five licenses, all the same class. Fees would vary according to the amount



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of revenue a promoter expected to collect. Also, manufacturers and distributors would be licensed. The bill is estimated to bring in an additional \$7 million dollars annually in taxes if passed.

H. 4603, concerning Game Zone 4, establishes the open season for hunting deer with a bow and arrow as between August 15th and January 1st. H. 4692 concerns the sale of abandoned property by owners of self-storage facilities in order to collect delinquent rental fees. The bill deletes the requirement that the sale must be advertised in a local newspaper, and that parties with superior liens must be notified. The measure was amended to require that owners provide local law enforcement agencies with a detailed inventory of the personal property to be sold, including serial numbers when available. H. 4494, concerning telecommunications, is designed to insure the accessibility and affordability of these services in light of the deregulation of this industry. H. 4743 authorizes a candidate for director of a watershed conservation district to declare his candidacy with the State Election Commission, rather than by submitting a nominating petition. H. 4774 provides an optional method of valuing Homeowners' Association Property for tax purposes. The measure amends the code to define such property, and requires that owners of real property or their agents make a written application to the county assessor to qualify for this provision. H. 4789 enacts the "Uniform Interstate Family Support Act." The proposed legislation requires that an applicant for a license in the state provide his social security number. Employers are provided greater incentives and tax breaks for hiring Welfare recipients. Transitional Medicaid and child care benefits are provided for two years, rather than one year, to Welfare recipients who lose eligibility by exceeding the two year time limit. H. 4802 provides that retired family court judges may be assigned by the Chief Justice to serve in any court as needed. If approved by a voter referendum, H. 4803 would give the State Supreme Court more power to remove bad judges. This joint resolution establishes reasons, other than impeachment, that judges may be recalled. These include misconduct in office, ethical breaches, habitual intemperance, persistent failure to perform the duties of office, and mental or physical incapacity. H. 4805 extensively revises appeals laws in the state. H. 4825 clarifies last session's gas tax bill. The measure provides that licenses are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Also included in the provisions, a license may be suspended or revoked for failure to comply with deferred payments. H. 4830 enacts the "Uniform Limited Liability Company Act." The bill revises state guidelines for limited liability companies, and conforms these guidelines to recent federal regulatory changes. It also permits disclosure of taxpayer records to the Secretary of State under certain conditions. H. 4834 provides numerous revisions to state tax laws. The bill authorizes alternative means for signing, and storing returns, as well for submitting payments. It redefines liabilities of innocent spouses where the primary responsibility for the incurred tax rests with the other spouse, and provides a tax exemption for certain medical supplies. H. 4835 makes numerous revisions concerning property taxes. Among other provisions, the bill limits the four per cent residential assessment to only one residence, and requires that the values of watercraft and aircraft be reduced at least five per cent annually after tax year 1996. The measure expands the term "boat" to include "watercraft," and changes the method of providing the tax exemption for watercraft from a fifteen dollar (\$15) tax to a fifty dollar (\$50) assessed value. The proposed legislation requires that reassessment be done every five years, and deletes the requirement to value timberland for purposes of rollback taxes. Also, the bill requires that taxes be paid prior to a delinquency sale rather than on the sale date. H. 4847 provides that probation is a form of clemency. The measure requires that the director of the Department of Probation, Parole, and Pardon Services develop supervision policies and procedures. H. 4896 substantially amends and updates regulations of the apprenticeship program for pilots at Port Royal. H. 4897 approves a

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regulation of the Department of Labor, Licensing, and Regulation relating to qualifications for licensure of residential builders. H. 4898 approves regulations of the Department of Health and Environmental Control (DHEC) addressing land application of nonhazardous solid waste on or into crop or timberland and land being reclaimed to enhance its aesthetic value or reduce environmental degradation. The regulation will encourage and establish criteria for recycling materials usually disposed of in landfills. H. 4956 repeals regulations of the Insurance Department concerning risk classifications and territories for automobile insurance. Rather than promulgated in an agency regulation, the agency believes these plans should be established by order instead.

### rejected

H. 3021 authorized a referendum letting voters determine whether the state should conduct a lottery. Proceeds from the lottery would have funded higher education scholarships. While the vote on the measure was 60-44, it lacked the two-thirds approval, or 82 votes, needed for passage. Thus the joint resolution has been killed for this session.

### continued

H. 4498 prohibited trespassing upon railroad tracks. Violators would have been guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. This measure also has been killed for the session.

### recommitted

H. 4480 authorizes the running of coyotes with dogs for training purposes in a private, enclosed fox-hunting-dog-training facility. The House amended the bill to prohibit importation of coyotes into the state. Violators could be imprisoned for over a year and fined more than five thousand dollars (\$5,000). The bill was recommitted to the House Agriculture, Natural Resources, and Environmental Affairs Committee.

### committed

H. 4586 establishes a separate grievance procedure for employees of the Department of Transportation (DOT) exempted from the usual state employee grievance process. The bill also directs DOT to foster public/private partnerships, and requires annual reports on this. The measure was committed to the House Judiciary Committee.

### recalled

Four measures were recalled from various committees and placed on the calendar for second reading last week. S. 1190 provides the Spoleto USA Festival with an additional year to



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repay the \$400,000 balance on its loan. This effectively would lower the payment due as well. Spoleto was loaned \$600,000 from remaining funds left in a loan to the City of Charleston on behalf of the Patriot's Point Development Authority. That loan was to have been repaid in three equal payments of \$200,000 over three years. One payment has been made; however, a budget shortfall prompted the proposed legislation for an extension on repayment. The joint resolution authorizes Spoleto to repay the \$400,000 balance in three equal payments over the next three years. The first payment would be due June 30, 1997. This measure was recalled from the Ways and Means Committee. **H. 4372** provides civil action for injunctive relief and monetary damages when the release of reserved water damages property. The bill has been recalled from the House Judiciary Committee. **H. 4624** authorizes burning of yard debris only under certain conditions. Also, campfires are permitted only for recreational purposes or to keep warm. The measure was recalled from the Agriculture, Natural Resources, and Environmental Affairs Committee. **H. 4949** authorizes shrimping by coastal property owners from docks that they own which are adjacent to their property.

### placed on the contested calendar

Five measures were placed on the House contested calendar for second reading last week. **H. 4447** concerns school attendance. Originally, the bill provided that a child could attend any South Carolina public school only if he lived with a parent or legal guardian who was a resident of that school district, and deleted a provision allowing attendance when the child owned real estate with an assessed value of three hundred dollars (\$300) or more in that district. The House Education Committee amended the bill to require that the child must live with his parent or legal guardian who is a resident of South Carolina, rather than of the school district. **H. 4502** prohibits marriage between persons of the same sex, and provides that such marriages performed in other states will not be recognized in South Carolina. **H. 4631** provides a tax exemption for non coin-operated laundry, dry-cleaning, dyeing, and pressing services and sales. It's estimated that the bill would reduce sales tax revenue by about \$6.3 million dollars annually. **H. 4706** enacts the "Rural Development Act of 1996." The proposed legislation revises the "Enterprize Zone Act" passed last year, and the "Economic Development Industrial Cluster Act" adopted earlier this year. It gives greater tax breaks to industries locating in least developed and underdeveloped counties, which are usually rural counties. Industries with major investments could negotiate with local governments for lower property taxes, so that they could pay three per cent rather than the current six per cent for a period of thirty years rather than the current twenty years. **H. 4717** defines "structural fill" and restricts local governments from regulating these facilities. Also, the measure authorizes the Department of Health and Environmental Control (DHEC) to issue permits for short term structural fills which operate less than twelve months.

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### SENATE

#### budget

The Senate Finance Committee concluded work on next fiscal year's \$4.4 billion dollar budget last week. Senators approved a three year phase in of an all day kindergarten program costing \$20 million dollars during 1996-97. State employee pay raises were approved at 3.4%, as were teacher pay raises. The committee set aside \$2.7 million dollars to hire an addition 45 state troopers, and eliminated \$3 million dollars for electronic monitoring of offenders. Senators included \$1.6 million dollars for new license tags, and removed the tuition cap at public higher education institutions. Committee members wrote in only \$5 million dollars of the nearly \$30 million dollars requested by Governor David Beasley for improvements at the Department of Juvenile Justice (DJJ) ordered by federal courts. Also, only \$15 million dollars of the \$30 million dollars the governor wants for economic development was included in the Senate budget. Senators cited lack of specific information about how the money would be spent as the reason for cutting that request.

#### nonconcurrence in House amendments, to conference committee

H. 3901 originally affected the sale of nonowner-occupied real estate to collect delinquent property tax. The measure increased the interest rate from eight to twelve per cent during the final six months of the redemption period. The Senate amended the bill to provide for a referendum placing tax caps on local governments. Voters also would have been allowed to determine whether to increase sales tax by a penny in order to give tax breaks to the elderly and low income, and to eliminate real estate, vehicle and other taxes. Senators also lowered the manufacturer's depreciation rate to that of other businesses. The House struck these provisions and inserted their own version of local government tax caps instead. That measure does not include a referendum on tax caps, but requires that local governments have a two-thirds "supermajority" to enact or increase taxes beyond the rate of inflation plus growth. However, increases due to shortfalls, natural disasters, and judicial mandates would be exempted from the tax cap. Also, local governments would be allowed to collect a 3% accommodations tax and a 1% meals tax. The House version includes a referendum for voters to determine whether to raise the sales tax by a penny to eliminate vehicle taxes. This would save the state's nearly two million vehicle owners about \$213 annually, and would provide tax relief to non-homeowners as well. The bill now goes to a conference committee to iron out the differences in the two proposals.

#### received third reading, amended, returned to the House for concurrence

H. 3320 enacts the South Carolina Personal Watercraft and Boating Safety Act of 1996. The Senate amended the bill to provide that a person under sixteen years old may operate a jet



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ski only if he has completed a boat safety program or is accompanied by someone eighteen years old or older. Also, a jet ski would be prohibited from jumping a wake within 200 feet of another watercraft. Jet skis may not be ridden after sunset or before sunrise. Anyone on a jet ski must wear a life preserver, and no one may be towed by a jet ski. Violations are misdemeanors punishable by a fine of fifty to three hundred dollars (\$50-\$300). **H. 3961** provides for judicial reform by establishing a Judicial Merit Selection Commission. This independent nominating panel composed of legislators and lawyers would weed out weak candidates. The House proposed an eleven member panel, but the Senate approved thirteen members. The Senate version requires that a legislator be out of the General Assembly for at least one year before he could apply for a judgeship. It also provides for weighted voting. Senators would have the same voting power as Representatives, even though the House has more members. Another provision prohibits vote swapping by legislators. Violators would be subject to a fine of not more than one thousand dollars (\$1,000) and imprisonment of not more than ninety days.

### received third reading, sent to the House

**S. 1334** authorizes a referendum to be held during the 1996 General Election. Voters in counties with more than 320,000 people would be asked whether to prohibit video poker payoffs in their counties.

### received second reading

**S. 778** provides that a person charged with committing a lewd act on a child under fourteen years old may not apply to a pretrial intervention program. **S. 1037** reduces the penalty for preventing a child from attending school. For a first offense, the bill provides for a fine of not less than five hundred dollars (\$500), imprisonment for not less than thirty days, or both. The current penalty, a fine of not less than one thousand dollars (\$1,000), imprisonment for not less than two years, or both, would become the penalty for a second or subsequent offense. **S. 1051**, concerning child neglect, provides that a parent may be subject to criminal penalty for improper supervision of a minor if his child is charged with a criminal act when neglect is a proximate cause of the delinquency. Parents also are made a party to the criminal action involving the child, and are required to appear in court with the child. Family court is given exclusive jurisdiction over these cases. **S. 1123** provides that residents of any state may buy a rifle or shotgun in South Carolina. **S. 1124** revises the age of a victim of homicide by child abuse. Currently the victim must be under eleven years old. This bill provides that anyone under eighteen years old may be a victim of homicide by child abuse. **S. 1152** revises the ages of the victim of a lewd act upon a minor. Currently victims must be under fourteen years old. The bill increases that to under sixteen years old. **H. 3742** increases the maximum fine for practicing dentistry without a license from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000). **H. 3746** authorizes muzzleloader hunts in Game Zone 2. **H. 4779** approves a regulation of the Department of Health and Environmental Control (DHEC) which reauthorizes the State Underground Petroleum Environmental Response Bank, or SUPERB, Fund. The regulation also provides for clean up of the storage tanks according to site specification.



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### COMMITTEE ACTION

#### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Committee members approved two bills last week. **H. 4603** establishes open season for hunting deer with bow and arrow in Game Zone 4 as between August 15th and January 1st. **H. 4785** conforms the organization and operation of the board of veterinarians with boards of other professions.

#### EDUCATION AND PUBLIC WORKS

The Primary and Secondary Education Subcommittee amended and gave a favorable report to **H. 4414** instructing the Department of Education to study the effectiveness of the length and timing of the state's school year, reporting to the General Assembly in January of 1997. The Subcommittee reported favorably on **H. 4431** establishing a special weighting for autism in the Education Finance Act formula.

The Postsecondary Education Subcommittee reported favorably on **H. 4746**, a bill which allows institutions of higher learning to establish holidays different from those listed on the state's calendar, provided that the number of holidays does not exceed the total provided by the state. Companion legislation **H. 4453** and **S. 949** both received favorable reports. These joint resolutions set up conditions under which students would be given a fourth opportunity to pass the Education Entrance Exam this year. The Subcommittee reported favorably on **S. 1117**, "The Public School Facilities Assistance Act," after amending the bill to make it consistent with the appropriations act. **S. 1117** authorizes the use of the funds generated from the operation of the Barnwell Low-level Nuclear Waste Facility for the construction and renovation of public school facilities. The Subcommittee recommended approval for two regulations promulgated by the Commission on Higher Education: **R. 1905**, clarifies the definition of residency in the state for use in determining admissions to and tuition at institutions of higher learning; **R. 1840** transfers from Commission rules to the regulations guidelines for the African-American Teacher Loan Program which provides tuition assistance to African American males who will teach in the state's schools.

The Intermodal Transportation Subcommittee reported favorably on **H. 4584** which would make it unlawful to disturb or remove monuments or memorials for war veterans.

The Ad Hoc Subcommittee to Study Limitation of Special Tags amended and reported out three bills without recommendations. **H. 4012** allows log transport trucks to operate at night, substituting lanterns for the flags which mark the tail end of their loads during the day. Also, these vehicles would be subject to intensified scrutiny by the Department of Public Safety's Transportation Police. **S. 67** creates special license tags for members of the Marine Corps League. **S. 378** creates such tags for members of the Shriners.

The full Education and Public Works Committee reported favorably on an amended **H. 4477** which requires cars driven by someone without an active license to be impounded at the driver's expense. The full Committee reported favorably on **S. 1252** which would do away with the provision that the Scenic Highways Commission be terminated effective June 30, 1997 unless reauthorized by the General Assembly. The Committee also reported favorably on the following



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legislation passed out of subcommittees the day previous to the full meeting and described above: H. 4414, H. 4431, H. 4453, S. 949, H. 4746, S. 1117, R. 1905, R. 1840, and H. 4584.

### JUDICIARY

With the days remaining in this session rapidly drawing to a close, the Judiciary Committee approved a flurry of proposed legislation to beat the May 1st deadline for having bills be considered by at least one chamber so that two-thirds approval would not be required to take up the measures. Last week committee members reported favorably on **S. 1016** concerning trespassing. The bill deletes the requirement that prior warning be given within the preceding six months before an arrest may be made. **S. 1315** revises the South Carolina/Georgia border based on North American Datum 1927. Concurrently, the committee recommitted the House version of this bill, **H. 4859**, to a judiciary subcommittee. **H. 4245** recognizes the Chicora-Waccamaw and Pee Dee Indian Tribes. It also confers upon these tribes the rights and privileges provided by law to indian tribes. **H. 4343** provides for a referendum allowing voters to determine whether to eliminate the Office of the Secretary of State and divide the duties among other state constitutional offices. **H. 4871** is the bill which explains how these duties would be divided if the Office of Secretary of State is eliminated. The ministerial duties would be vested in the Governor's Office. The Department of Commerce would take care of chartering corporations and registering trademarks. Elections activities would become part of the State Election Commission, while regulation of charities would rest with the Attorney General's office as well as duties related to service of process for out of state corporations. Savings are expected to be \$300,000. **H. 4541** increases the fine for desecrating human remains or graves from two thousand dollars (\$2,000) to five thousand dollars (\$5,000). **H. 4589** increases penalties for a driver's failure to stop when involved in an accident causing injury or death. Rather than a sentence of thirty days to one year, violators could face up to fifteen years in prison. **H. 4651**, as originally written, prohibited giving away live animals as prizes or incentives. However, committee members amended the bill to provide that it would not apply to raffling a live animal, only using an animal as an incentive to attract business. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine of up to three hundred dollars (\$300), a sentence of up to thirty days, or both. **H. 4810**, concerning entrapment, prohibits an underage undercover agent from attempting to purchase beer, wine, or an alcoholic liquor unless there is documentation of at least two instances in which the establishment has sold these beverages to minors. **H. 4812** provides that neither chamber of the General Assembly may adjourn for more than seven days without the consent of the other body. Currently the limit is three days. The measure also deletes the requirement that there must not be any pending messages from the governor or legislation on the calendar in order to adjourn. **H. 4818** provides for the circumstances and time frame under which a child may be sent to a secure juvenile detention facility. **H. 4830**, the Uniform Limited Liability Company Act, revises state guidelines for limited liability companies and conforms these guidelines to recent federal regulatory changes. The measure also permits disclosure of taxpayer records to the Secretary of State under certain conditions. **H. 4847** provides that probation is a form of clemency. The bill also requires that the director of the Department of Probation, Parole and Pardon Services develop supervision policies and procedures.



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**H. 4753** was tabled by committee members last week. The bill would have increased both the application fee to become a notary public and the renewal fee from twenty-five dollars (\$25) to fifty dollars (\$50).

### LABOR, COMMERCE, AND INDUSTRY

The full Labor, Commerce, and Industry Committee gave a favorable report to **H. 4865**, as amended, legislation which aims to reform problems in providing insurance coverage for coastal property. The Committee recommended approval for **R. 1929**, a regulation promulgated by the Department of Insurance to repeal in their entirety the risk classifications and territories for automobile insurance, allowing the Director to promulgate revised plans. The Committee gave a majority favorable and minority unfavorable reports to **H. 4546**, as amended, a bill which allows an electrical utility to sell or otherwise dispose of its utility property without the currently-required hearing before the Public Service Commission. The Committee also reported favorably on **S. 1075**, a bill which authorizes the Public Service Authority to: (1) add Calhoun and Colleton to the list of counties in which it may purchase and operate water treatment and distribution facilities; and, (2) transfer water from one river basin to another.

The Labor and Commerce Subcommittee amended and gave a favorable report to **H. 4861**, a bill which creates the Real Estate Commission under the administration of the Department of Labor, Licensing, and Regulation; transfers some of the Commission's powers and duties from the regulations to statutes; and expands those powers. The bill works in conjunction with **H. 4627** (currently pending in the Senate Labor, Commerce, and Industry Committee), the so-called "Engine Bill" which brings all boards and occupations under the administration of the LLR. Under **H. 4861**, the Commission's powers and duties would include determining standards for applicant licensure; conducting disciplinary hearings and actions; and, recommending legislation and regulation for the real estate industry. Notably, the nine member Commission would be selected entirely by the Governor with the advice and consent of the Senate, as opposed to the current system where commissioners are variously selected by legislative delegations, the Governor, and the Commission. The subcommittee amended and reported favorably on **H. 4902**, "The South Carolina Transportation Infrastructure Bank Act," which provides the enabling legislation for the state's Department of Transportation to participate in a pilot program with the U.S. Department of Transportation. The pilot program would offer a twenty-five percent state match for federal funds with the state's Department of Transportation authorized to spend up to five percent of its current highway funds towards that state match. The Transportation Infrastructure Bank would make loans and provide other financial assistance to public and private entities constructing and improving highway and other public transportation facilities. The subcommittee also recommended approval for **R. 1910**, a regulation proposed by the Commissioners of Pilotage for the Port of Charleston to enhance the authority of a bar and harbor pilot in a docking maneuver.

The Banking and Consumer Affairs Subcommittee amended and gave favorable reports to four bills: **H. 4650** establishes the South Carolina Board of Towing and Recovery to govern the state's towing and vehicle storage industry. **H. 4686**, "The South Carolina Credit Union Act of 1996," effectually establishes parity between state and federal credit unions, preserving state chartered credit unions and updating the law governing their activities. Offered in response to a large settlement paid out by Jim Walter Homes in 1995, **H. 4795** requires that attorney



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preference be obtained in loan transactions secured by real estate. **H. 4782** pertains to registered mortgage loan brokers, shielding such brokers from civil liability for third party violations of the Federal Truth in Lending Act, and establishing provisions for satellite offices and registration fees.

The Life, Accident, and Health Insurance Subcommittee amended and reported favorably on **S. 1043** which requires health insurers to provide coverage for a hospital stay of up to two days following a mother's vaginal delivery or up to three days following a caesarian section. The attending physician would retain his authority to decide whether a mother and newborn might be released early or need to stay longer in the hospital.

The Property and Casualty Subcommittee amended and gave a favorable report to **S. 642**, "The Motor Vehicle Financial Responsibility Act," pertaining to those possessing more than twenty-five vehicles (i.e. taxi companies) and certified by the Department of Public Safety as "self-insurers." As amended, the bill: (1) doubles from five to ten the number of days of notice which the Department of Public Safety must give before canceling self-insurer status; (2) removes the present requirement for an audit and instead requires the financial statement of a self-insurer applicant to be prepared by a certified public accountant licensed in this state.

### MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee reported favorably on four bills: **H. 4404** allows the legislative delegation to delegate its authority to recommend the appointment and removal of county veteran's affairs officers to the county governing body. **H. 4702**, "The Alzheimer's Special Care Disclosure Act," requires any facility licensed to offer an Alzheimer's special care unit to include in its policies and procedures the specific form of care provided which makes the program especially suited to sufferers of Alzheimer's disease. **H. 4392**, "The Osteoporosis Prevention and Treatment Act," creates a fund to promote public awareness, prevention, and treatment of osteoporosis. **H. 4677** requires a boxer to produce a physician's certification that he is free of HIV and AIDS before participating in a match.

The Subcommittee on Occupational Regulation and Licensing Boards amended and reported favorably on **S. 21**, a bill which legalizes the practice of tattooing for non-medical purposes. Under the bill, it would still be unlawful to: (1) tattoo someone under the age of eighteen, (2) tattoo the head, face, or neck of any person, (3) disregard Centers for Disease Control and other guidelines for prevention of disease transmission.

The Health and Environmental Affairs Subcommittee amended and gave a favorable report to **H. 4765** a bill which updates the state's controlled substance schedule for depressant drugs, bringing the law into conformity with Federal Drug Administration standards. The bill also allows methadone to be dispensed by retail pharmacies as an analgesic under Department of Health and Environmental Control guidelines. Currently, methadone may only be obtained from hospital pharmacies which tend offer inconvenient location and hours of operation.

The Military and Public Affairs Subcommittee reported favorably on **S. 501** which requires a municipality or county to give a two-week notice before adopting an ordinance imposing a moratorium on a construction project for which a permit has been granted.



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### WAYS AND MEANS

The full Ways and Means Committee did not meet last week, but several subcommittees did. The Sales and Income Tax Subcommittee reported favorably on H. 4848 which provides that the five cent surcharge on rental vehicles is a sales tax and must be deposited in a segregated account when collected. The bill also provides that these surcharges belong to the State, and are not subject to creditor liens. This measure does not apply to leased vehicles.

The Economic Development, Capital Improvement and Other Taxes Subcommittee approved S. 1190, which was recalled from the Ways and Means Committee and placed on the calendar for second reading. The joint resolution affects repayment of a loan made to the Spoleto USA Festival. Originally a loan was made to the city of Charleston on behalf of the Patriot's Point Development Authority; however, not all of the funds were used. From the remaining monies, the General Assembly authorized the city of Charleston to make a \$600,000 loan to Spoleto which would be repaid over three years in equal amounts. Payments were to be \$200,000 per year. The Festival has made one payment of \$200,000. This joint resolution provides Spoleto with an additional year to repay the \$400,000 balance. The first payment would be due June 30, 1997.

Two other subcommittees also met last week. The Property Tax Subcommittee reported favorably on S. 273 which provides a property tax exemption to the spouse of a law enforcement officer who was killed while on duty. The Budgeting, Agency Administration and Other Legislation Subcommittee approved H. 4315 calling for an audit of state government. This joint resolution establishes the Performance Audit Steering Committee to conduct a comprehensive performance audit for the period from June 30, 1996 through December 31, 1997. Two million dollars from the unobligated 1994-95 general fund surplus would be set aside to cover expenses. The joint resolution originally exempted legislative agencies from participating in the audit; however, subcommittee members deleted that provision.

## Legislative Update--April 23, 1996

### BILLS INTRODUCED

#### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

No bills were assigned to this committee last week.

#### EDUCATION AND PUBLIC WORKS

##### **S. 1195 HIGHER EDUCATION ACCOUNTABILITY ACT Senate Education Committee**

This bill authorizes the Commission on Higher Education to reduce duplication and coordinate services in the state's higher education system by expanding, reducing, or eliminating programs. Funding for Institutions of Higher Learning would be conditional upon meeting the Commission's performance standards.

#### JUDICIARY

##### **S. 128 SECOND OFFENSE DUI Sen. Rankin**

The proposed legislation decreases the sentence for a second offense of driving under the influence (DUI) from sixty to thirty days in order that such cases may be heard in magistrate's court rather than circuit court. The measure is designed to alleviate court dockets.

##### **S. 1345 HUNLEY COMMISSION Sen. McConnell**

The bill, concerning the Confederate submarine sunken off the coast of Sullivan's Island, provides that the Hunley Commission is exempt from the state procurement code. The measure also authorizes the Commission to sign an agreement which gives South Carolina permanent custody of the submarine, but allows the federal government to retain that submarine's title.

##### **H. 4959 SEXUAL BATTERY Rep. Martin**

Concerning the crime of sexual battery, the bill provides that a person is guilty of criminal sexual conduct with minors in the second degree if he knowingly engages in sexual battery of a minor fourteen to sixteen years old. The measure also provides that the person must be at least four years older than the victim.

##### **H. 4964 TRAFFIC TICKETS Rep. Moody-Lawrence**

The measure provides that a canceled check is satisfactory evidence that a person has paid a traffic ticket.



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**LABOR, COMMERCE, AND INDUSTRY**

No bills were assigned to this committee last week.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

No bills were assigned to this committee last week.

**WAYS AND MEANS**

No bills were assigned to this committee last week.

## **Legislative Update--April 23, 1996**

### **FOOTNOTE**

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page. Click on the "Quick-Find Guide" on the first page. On the next page, click on "Reports." This will list all of the Legislative Updates by week. Click on the week you need.



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